

Public Chapter 304

SENATE BILL NO. 811

By Person, Fowler

Substituted for: House Bill No. 1274

By Chumney

AN ACT To amend Tennessee Code Annotated, Title 10, Chapter 7, Part 1, to provide that county officials provide computer access and remote electronic access to the records of the office of such officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, Part 1, is amended by adding the following as a new appropriately designated section:

Section _____. Each county official may provide computer access and remote electronic access for inquiry only to information contained in the records of that office which are maintained on computer storage media in that office, during and after regular business hours. Such official may charge users of information provided through remote electronic access a reasonable amount sufficient to recover the costs of providing such services and for no other access services. Any such fee shall be uniformly applied. Any official providing remote electronic access to the records of that office shall implement procedures and utilize a system (equipment and software) that does not allow records of that office which may be viewed through remote electronic means to be altered, deleted or impaired in any manner. Any official providing such remote electronic access to any of the records of that office shall file a statement with the Comptroller of the Treasury at least thirty (30) days prior to offering such service, or if service is being offered, within thirty (30) days of the effective date of this act, except those who have previously implemented such a system shall not be subject to these provisions. The statement shall describe the computer equipment, software and procedures used to provide remote electronic access and to insure that this access will not allow a user to alter, delete or impair any record of the office. The cost of providing computer access or remote electronic access to local records shall not be borne by the State of Tennessee.

For the purposes of this section, a reasonable fee for providing access to the remote electronic access information system shall be an amount sufficient to recover the cost of actually providing such services and no more. When determining a reasonable fee for online access to review records, such fee and consideration shall not include the cost of storage and maintenance of the records, or the cost of the electronic record storage system.

Nothing in this section shall permit a fee to be charged for records that are viewed, electronic or otherwise, at the locations where they are maintained and stored.

Once a remote electronic access information system is in place, access must be given to all members of the public who desire access to such records, and pay applicable reasonable fees as defined in this section, including those who may use such information for proprietary purposes.

SECTION 2. This act shall supersede and replace any private acts which conflict with this act.

SECTION 3. Nothing herein shall permit remote electronic access to records statutorily defined as confidential records.

SECTION 4. Tennessee Code Annotated, Section 10-7-122, is amended by deleting the section in its entirety.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.